

from suppliers A and B are read. These panelists are a subset of the customers of supplier A. A relationship is determined between the purchases made by the panelists from supplier A and the purchases made by the panelists from supplier B. Also, customer data relating to purchases made by the customers from supplier A are read. The purchases made by the customers from supplier B are estimated based upon the customer data and the relationship.

This method is useful to supplier A for at least the following reason. Supplier A knows what its customers are purchasing from it, but it has a problem because it does not know what its customers are purchasing from other suppliers. The solution to this problem according to independent claim 1 is to form a panel out of the customers of Supplier A and to collect data from the panelists regarding their purchases both from Supplier A and from other suppliers. This panelist data, together with customer data (i.e., data regarding the purchases that the customers of Supplier A make from Supplier A), can be used to determine the purchases that the customers of Supplier A make from other suppliers. Accordingly, this solution allows Supplier A to know what its customers are purchasing from other suppliers.

The references applied by the Examiner do not recognize the problem as discussed above and do not disclose the solution to this problem as recited in independent claim 1.

Specifically, the Geurts publication deals with an arrangement which allows one supplier to compare its sales of a product to the total market for that product. In other words, this arrangement permits the supplier to know its market share for a product. Market share is nice to know, but market share is not the problem addressed by the invention of independent claim 1.

That is, market share information contains no identification of the customers who purchase a supplier's product from other suppliers. Thus, although a supplier knows about the product that its customers purchase from it, market share cannot help the supplier to learn about the purchases of the product that its customers are making from other suppliers.

As can be seen, the Geurts publication fails to address the problem solved by the invention of independent claim 1.

With regard to the Pindyck publication, the Examiner recognizes in the Office Action that the Pindyck publication discloses economic models and forecasts but

does not disclose the problem solved by the invention of independent claim 1.

c | Because neither the Geurts publication nor the Pindyck publication address the problem solved by the invention of independent claim 1, the invention of independent claim 1 would not, and could not, have been obvious over the Geurts publication in view of the Pindyck publication.

2 | Moreover, neither publication discloses the particular solution provided by independent claim 1. That is, neither publication discloses setting up a panel of a supplier's customers, acquiring panelist data from the panelists regarding their purchases from the supplier and from other suppliers, acquiring customer data regarding the purchases that the customers of the supplier make from the supplier, and using the panelist data and the customer data to estimate the purchases made by the supplier's customers from the other suppliers. Accordingly, for this reason also, the combination of the Geurts publication and the Pindyck publication do not teach or suggest the invention of independent claim 1. Thus, independent claim 1 would not have been obvious over the Geurts publication in view of the Pindyck publication.

The Examiner asserts that the particular solution recited in independent claim 1 involves well known techniques. However, the Examiner has not cited any references showing that these techniques are well known. Therefore, the obviousness of combining these uncited references with the Geurts publication and the Pindyck publication cannot be tested or determined.

Moreover, even if the individual elements of the particular solution recited in independent claim 1 were well known, the manner of putting them together as recited in independent claim 1 would not have been obvious without a consideration of the problem facing a supplier as stated above, and the Examiner has not shown that this problem was known.

For this reason also, independent claim 1 is not unpatentable over the Geurts publication in view of the Pindyck publication.

As in the case of independent claim 1, independent claim 30 is directed to a method in which purchases made by customers of a supplier from other suppliers are estimated. According to the method of independent claim 30, customer data regarding purchases made by the customers from the supplier are read. Panelist data regarding purchases made by panelists from

the supplier and from the other suppliers are also read, where the panelists are a subset of the customers of the supplier. Purchases made by the customers from the other suppliers are estimated based upon the customer data and the panelist data.

As discussed above, neither reference applied by the Examiner recognizes the problem addressed by the method recited in independent claim 30. Specifically, the Geurts publication deals with market share, but market share provides no information to a supplier about the purchases that its customers make from other suppliers. The Pindyck publication is directed only to economic models and forecasts and does not disclose the problem solved by the invention of independent claim 30.

Moreover, as also discussed above in relation to independent claim 1, neither publication discloses the particular solution provided by independent claim 30. Thus, neither publication discloses setting up a panel composed of a subset a supplier's customers, acquiring panelist data from the panelists regarding their purchases from the supplier and from other suppliers, acquiring customer data regarding the purchases that the customers of the supplier make from the supplier, and using the panelist data and the customer data to estimate

the purchases made by the supplier's customers from the other suppliers.

Because the references cited by the Examiner do not disclose the problem addressed by independent claim 30, and because the references cited by the Examiner do not disclose a solution to this problem as recited in independent claim 30, independent claim 30 is not unpatentable over the Geurts publication in view of the Pindyck publication.

Independent claim 39 is directed to a method in which purchases made by customers of a supplier of interest are estimated. According to the method recited in independent claim 39, a linear relationship between purchases made by panelists from the supplier of interest and purchases made by the panelists from the other suppliers is determined, and purchases by the customers from the other suppliers are estimated based upon the linear relationship.

As discussed above, neither reference applied by the Examiner recognizes the problem addressed by the method recited in independent claim 39. Specifically, the Geurts publication deals with market share, but market share provides no information to a supplier about the purchases that its customers make from other

suppliers. The Pindyck publication is directed only to economic models and forecasts and does not disclose the problem solved by the invention of independent claim 39.

Moreover, as also discussed above in relation to independent claim 1, neither publication discloses the particular solution provided by independent claim 39. Thus, neither publication discloses determining a linear relationship between purchases made by panelists from a supplier of interest and purchases made by the panelists from the other suppliers, and estimating purchases by the customers from the other suppliers based upon the linear relationship.

Because the references cited by the Examiner do not disclose the problem addressed by independent claim 39, and because the references cited by the Examiner do not disclose a solution to this problem as recited in independent claim 39, independent claim 39 is not unpatentable over the Geurts publication in view of the Pindyck publication.

Independent claim 43 is patentable over the combination of the Geurts publication and the Pindyck publication for similar reasons.

Because the independent claims of the present application are patentable over the references applied by

the Examiner, the claims dependent thereon are likewise patentable.

In view of the above, the claims of the present application patentably distinguish over the art applied by the Examiner. Accordingly, allowance of these claims and issuance of the present application are respectfully requested.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN

By: 

Trevor B. Joike
Reg. No. 25,542
Attorneys for Applicants
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6402
(312) 474-6300

September 10, 2001